

Approved: _____

Marcia S. Cohen
Assistant United States Attorney

Before: _____

HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

21 MAG 07826

| | |
|--------------------------|------------------|
| ----- x | SEALED COMPLAINT |
| UNITED STATES OF AMERICA | : |
| | : |
| -v.- | : |
| ROBERT POPE, | : |
| Defendant. | : |
| ----- x | |

Violation of
18 U.S.C. §§ 2422(b)

COUNTY OF OFFENSE:
Westchester County

SOUTHERN DISTRICT OF NEW YORK, ss.:

PAO MEI FISHER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

Between at least on or about September 1, 2020 up to and including at least on or about April 11, 2021, in the Southern District of New York and elsewhere, ROBERT POPE, the defendant, knowingly, using facilities and means of interstate and foreign commerce, persuaded, induced, enticed and coerced an individual who had not attained the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense, to wit, ROBERT POPE, the defendant, in online and text communications, persuaded, induced, enticed and coerced a 16-year-old minor ("Victim-1") to meet POPE in person in Westchester County, New York on more than one occasion to engage in sexual activities with POPE.

(Title 18, United States Code, Section 2422(b).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the FBI Westchester Resident Agency. I have been a Special Agent with the FBI since January 2017. I have participated in numerous investigations involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

2. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my conversations with a Detective ("Detective-1") in the Mount Vernon Police Department ("MVPD") and my review of MVPD reports, I am aware that, on or about June 14, 2021, the mother ("Mother") of a 16-year-old minor ("Victim-1") reported to the MVPD that she had discovered sexually explicit communications on Victim-1's phone. According to the Mother, the communications appeared to have been exchanged between Victim-1 and ROBERT POPE, the defendant, who was known to the Mother. The Mother advised that she had discovered communications on Victim-1's phone referencing what appeared to be a sexual encounter between Victim-1 and POPE.

4. Based on my conversations with Detective-1, I am aware that the Mother showed Detective-1 text messages on Victim-1's phone between Victim-1 and ROBERT POPE, the defendant. Detective-1 reviewed the messages the Mother showed to him and took screenshots of some of the messages. Detective-1 provided me with copies of these screenshots and I have reviewed them. Based on my conversations with Detective-1 and my review of the screenshots, I am aware that the screenshots reveal messages that were exchanged on or about April 10, 2021 and April 11, 2021. In the messages, POPE asked Victim-1 where he was and Victim-1 provided an address. Thereafter, POPE texted Victim-1,

"I'm here" and asked "what door." Later, POPE asked Victim-1 "did you like" and Victim-1 responded, "yeah lol, I liked it a lot actually" and "your dick is mica and big" and then clarified, "nice." POPE responded, "Lol you got nice buns."

5. Based on my conversations with Detective-1 and my review of MVPD reports, I am aware that, on or about June 15, 2021, Victim-1 was interviewed by a forensic interviewer. The interview was video-recorded and I have watched the recording of the interview. Among other things, Victim-1 advised the following, in substance and in part:

a. On an occasion in or about April 2021, Victim-1 met ROBERT POPE, the defendant, in person. Victim-1 and POPE engaged in oral and anal sexual conduct. Prior to this encounter, POPE sent Victim-1 a text message asking if POPE could come over because POPE wanted to see Victim-1.

b. On an occasion between on or about November 1, 2020 and December 31, 2020, Victim-1 met ROBERT POPE in a car in Mount Vernon and they engaged in oral sexual conduct. Prior to this meeting, Victim-1 received a text message from POPE asking Victim-1 to meet.

c. For an extended period of time, Victim-1 and POPE engaged in conversations via text message. POPE asked Victim-1 to send POPE naked pictures of Victim-1. POPE sent a picture of POPE to Victim-1 in which POPE was on a bed and his penis was exposed.

6. Based on my conversations with Detective-1 and my review of MVPD reports, I am aware that Victim-1 was 16 years old in September 2020 and in April 2021.

7. Based on my conversations with Detective-1, I am aware that Detective-1 interviewed ROBERT POPE, the defendant, at the MVPD on June 15, 2021. The interview was video-recorded and I have watched the recording. During the interview, POPE advised the following, in substance and in part:

a. POPE is 30 years old and was born and raised in Mount Vernon, New York. He coaches high school baseball in Mount Vernon and has coached youth baseball teams for years;

b. POPE knows Victim-1 and reconnected with Victim-1 on Grindr;

c. POPE used his cell phone with a phone number ending in 3999 to communicate with Victim-1;

d. POPE engaged in oral sex with Victim-1 in Mount Vernon, New York;

e. POPE consented to a search of his cell phone and provided his phone, a black iPhone ("Phone-1"), to the MVPD.

8. Based on my conversations with Detective-1 and my review of reports, I am aware that, following the interview of POPE, the MVPD placed ROBERT POPE, the defendant, under arrest. He was charged in Westchester County, New York with three counts of Criminal Sexual Act in violation of New York Penal Law 130.40(2).

9. Based on my conversations with an Assistant District Attorney in the Westchester County District Attorney's Office and my review of bond paperwork, I am aware that, on or about July 23, 2021, ROBERT POPE, the defendant, made bail and was released on a \$75,000 bond.

10. On or about July 27, 2021, the Honorable Judith C. McCarthy, United States Magistrate Judge for the Southern District of New York, signed a search warrant authorizing, among other things, the search and seizure of Phone-1 for evidence relating to violations of Title 18, United States Code, Section 2422(b).

11. On or about July 29, 2021, a law enforcement agent who is specially trained in the forensic examination of digital material ("Agent-1") began an examination of Phone-1. Based on my conversations with Agent-1 and my review of material found by Agent-1 on Phone-1, I am aware of the following:

a. There are numerous text messages between Phone-1 and Victim-1's phone number ("Victim-Phone"). These messages occur from in or about September 1, 2020 through on or about June 15, 2021.

b. In a text message on or about September 1, 2020, Phone-1 texted Victim-Phone, "Ok no problem how old are you this year" and Victim-Phone replied, "I'm 16 now." Following this exchange, Phone-1 texted, "Do u want to meet and speak today." When Victim-Phone indicated that a meeting later would work, Phone-1 asked, "Ok what time" and "I get off at 4."

c. At approximately 4:55 p.m. on September 1, 2020, Victim-Phone texted, "Where do you want me to meet you." Phone-1 responded, "near brush park" and said, "Ok, don't take too long." At approximately 5:36 p.m., Victim-Phone texted, "I'm almost there." Phone-1 provided an address and said "Come to my house" and "Let me know when u at the door." At 6:17 p.m., Victim-Phone texted, "I'm here."

d. In a text message on January 7, 2021 at approximately 9:11 p.m., Victim-Phone texted Phone-1, "Like I'm ugly asf lol what was the spark." Phone-1 responded, "Your very low key and secretive that's why."

e. In a text message on February 11, 2021, Phone-1 asked Victim-Phone, "U got new videos and photos for me." Phone-1 responded, "I can take some now but will you send pics/videos in return."

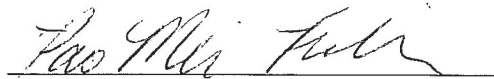
f. In a text message on March 1, 2021 at approximately 3:09 p.m., Phone-1 texted Victim-Phone, "Ya mom there" and Victim-Phone responded, "Yeah but she in her room." At approximately 3:11 p.m., Phone-1 texted Victim-Phone, "Umm dangerous u can sneak out at 3:25 3:30." Victim-Phone responded, "Yeah sure." Phone-1 texted, at approximately 3:12 p.m., "Ok imma come by in 10 minutes."

g. On April 11, 2021, at approximately 1:56 p.m., Phone-1 texted Victim-Phone, "Where I wanna fuck." Phone-1 responded, "Idk..." At approximately 1:56 p.m., Phone-1 texted, "Ok." At 2:06 p.m., Phone-1 texted Victim-Phone, "I just need that then out." Victim-Phone responded, "Okay." At approximately 2:13 p.m., Phone-1 texted Victim-Phone, "I'm here" and "What door."

12. Based on my review of New York Motor Vehicle records relating to ROBERT POPE, the defendant, I am aware that ROBERT POPE, the defendant, is currently 30 years old.

WHEREFORE, deponent prays that the above-named defendant be

arrested and imprisoned or bailed as the case may be.

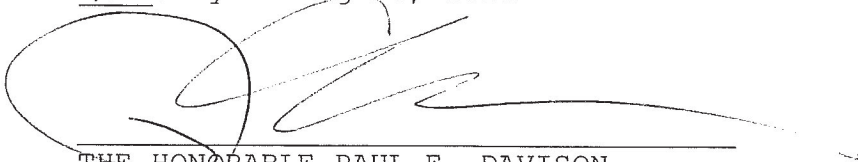


PAO MEI FISHER

Special Agent

Federal Bureau of Investigation

Sworn to before me this
9th day of August, 2021



THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York